

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Devonte Embury

Case: 2:23-mj-30179

Assigned To : Unassigned

Assign. Date : 4/28/2023

CMP: USA v EMBURY (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 26, 2023 in the county of Jackson in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm
18 U.S.C. § 3147(1)	Commission of a Felony While on Release

This criminal complaint is based on these facts:

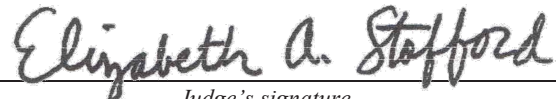
See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Matthew Rummel, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: April 28, 2023City and state: Detroit, MI

Judge's signature

Hon. Elizabeth A. Stafford, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Matthew Rummel, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I am a Special Agent with the U.S. Department of Justice - Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so since September 2014. I am currently assigned to Detroit Field Division. Prior to joining the ATF, I was employed, for approximately eight years, as a State Parole Agent with the Michigan Department of Corrections. During that time, for approximately four years, I was assigned to a multi-jurisdictional task force made up of federal, state, and local law enforcement agencies. I have participated in numerous investigations involving firearms, narcotic trafficking by armed individuals, fraud, robberies, assaults, homicides, and criminal street gangs. I have been the affiant on numerous federal search warrants and federal criminal complaints. I have a Bachelor's degree in criminal justice, and I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator School and ATF's Special Agent Basic Training school.

2. I submit this affidavit in support of a criminal complaint charging that, on or about April 26, 2023, within the Eastern District of Michigan, Devonte

EMBURY, DOB XX/XX/1997, an individual having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm that had previously traveled in interstate and foreign commerce, in violation of Title 18 U.S.C § 922(g)(1). I also submit that EMBURY committed this offense while on bond for another Federal offense, in violation of Title 18 USC § 3147(1) (Commission of a felony while on release).

3. This affidavit is based upon information I have gained from my investigation, my training and experience, and from information provided by law enforcement officers and others who have personal knowledge of the events and circumstances described herein. The information set forth in this affidavit is in support of a complaint and arrest warrant and is for the limited purpose of establishing probable cause; this affidavit, therefore, does not include all the information collected during this investigation and about which I am aware.

PROBABLE CAUSE

4. ATF, along with local law enforcement partners, conducted a criminal investigation concerning violent crime and drug trafficking in and around Jackson County, Michigan. During law enforcement's investigation, an ATF Special Agent working in an undercover capacity purchased approximately 1,429 grams of crystal methamphetamine from Devonte EMBURY between March 2022 and April 2022.

5. EMBURY was charged by Complaint for violation of Title 21 U.S.C. § 841(a)(1), distribution of methamphetamine (E.D. Mich. 22-cr-20252). EMBURY made his initial appearance on April 20, 2022, and was released on bond on April 21, 2022, after signing the bond. EMBURY was indicted on May 12, 2022, and on January 12, 2023, he pled guilty before Hon. Matthew F. Leitman to Count 1 of the Indictment, distribution of methamphetamine, 21 U.S.C. § 841(a)(1). EMBURY's bond was continued pending sentencing, currently scheduled for May 15, 2023.

6. On April 26, 2023, at approximately 11:48 p.m., the Jackson Police Department was dispatched to 2XXX Chapin Street, Jackson, Michigan for a domestic assault between Devonte EMBURY and a female (AJ). Upon arrival, Officers Reynaga and Thoresen observed EMBURY exit the residence holding a handgun box. EMBURY told Officers that there was a firearm in the box, that belonged to AJ. Officers took possession of the box and discovered that a Glock, Model 43X, 9mm, bearing serial number BWKS375 was inside the box EMBURY was holding. Officers also encountered AJ who was upset and crying. She stated that she had just been assaulted by EMBURY. Officers observed injuries to her face. She also stated that during the altercation, EMBURY took her phone while she was attempting to call 911. The officers arrested EMBURY for Domestic

Assault and Battery, Felon in Possession of a Firearm, and Interference with 911 Communication.

7. I have consulted with ATF Special Agent (S/A) Michael Parsons, an interstate firearms nexus authority. S/A Parsons has determined that based on the description, the firearm was manufactured outside the state of Michigan and has therefore previously traveled in interstate commerce.

8. I have queried the National Crime Information Center (NCIC) – a criminal records database - for Devonte EMBURY, which revealed he had previously been convicted of a felony. Specifically, in 2015, EMBURY pled guilty in the 4th Circuit Court of Michigan (Jackson County) to Unarmed Robbery, in violation of Michigan Compiled Laws § 750.530. EMBURY was sentenced to 15 months to 15 years in prison. He is therefore prohibited by law from possessing a firearm that has traveled in interstate or foreign commerce.

9. I also contacted a representative for the Michigan Department of Corrections (MDOC) and requested records regarding whether EMBURY had been informed that he could not legally possess firearms after his release from prison as a convicted felon. I received a copy of MDOC Form CSJ-290, dated April 5, 2019, and signed by Devonte Embury. The form informed EMBURY that as a result of a his conviction, if he possesses firearms, he could be subject to federal prosecution for being a felon in possession of a firearm.

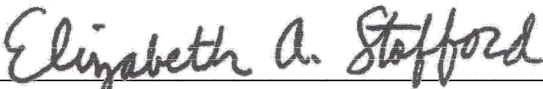
10. Based on the above, I respectfully submit there is probable cause to find that, on or about April 26, 2023, within the Eastern District of Michigan, Devonte EMBURY, after having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm that had previously traveled in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1). I also submit that EMBURY committed this offense while on bond for another Federal offense, in violation of Title 18 USC § 3147(1) (Commission of a felony while on release).

Respectfully submitted,



Matthew Rummel, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means.



HON. ELIZABETH A. STAFFORD
UNITED STATES MAGISTRATE JUDGE

Date: April 28, 2023